

CABINET FOR FAMILIES AND CHILDREN
DEPARTMENT FOR COMMUNITY BASED SERVICES

"An Equal Opportunity Employer M/F/D"



DIVISION OF CHILD SUPPORT



Information Release #835

TO: All IV-D Agents
DATE: June 2, 2000
SUBJECT: DNA Testing When Legal Father Exists

An increased number of questions have been received recently concerning the responsibility of contracting officials when a court orders or agrees to DNA testing and a legal father already exists. Please be advised that it is not the responsibility of the IV-D program to provide for DNA testing or pay for DNA testing when a legal father already exists.

If a legal father contests that he is the biological father, it would be his responsibility to provide the burden of proof, to include paying the costs of DNA testing. Likewise, if another man believes that he is the biological father of a child with a legally established father, then he would have the burden of proof, to include paying the costs of DNA testing.

Contracting officials are not required to assist private individuals in arranging for DNA testing as part of their IV-D responsibilities nor would the IV-D program compensate contracting officials for time in doing so. KRS 406.021 provides that paternity actions may be brought by the county attorney or by the Cabinet or its designee. As such, some county attorneys may accept responsibilities relating to paternity establishment beyond the scope of the IV-D program and assist private individuals in establishing paternity. This may include helping private individuals arrange for DNA testing. Contracting officials may refer private individuals to the same vendor contracted by DCS to provide DNA testing; however, the costs of the DNA testing would not be provided at the reduced rate or paid by the Division of Child Support (DCS).

It should also be noted that the Uniform Act on Paternity, Kentucky Revised Statutes (KRS) Chapter 406, applies to all cases of birth out of wedlock (KRS 406.180). Other than specified in KRS 406.011, this chapter does not apply to a child born of a marriage.

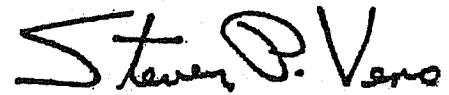
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Questions concerning this information release are to be directed to Ms. Kathy Adams, Supervisor, Technical Services Section. Ms. Adams' telephone number is 502/564-2285, extension 4428.

A handwritten signature in black ink that reads "Steven P. Veno". The signature is written in a cursive style with a large, stylized "S" and "V".

STEVEN P. VENO, DIRECTOR
DIVISION OF CHILD SUPPORT